

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
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Owen F. Duffy (OD-3144)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DS RENDITE-FONDS NR. 62 MS CAPE COOK  
GMBH & CO. CONTAINERSCHIFF KG,

Plaintiff,

v.

FAIRWIND SHIPPING COMPANY LIMITED,  
FAIRWIND NAVIGATION CO.,  
FAIRWIND (HOLDINGS) LIMITED, and,  
FAIRWIND INTERNATIONAL CO., LIMITED,

Defendants.

-----X  
STATE OF NEW YORK :  
: ss.  
COUNTY OF NASSAU :

07 CV 3822 (RJH)

**SECOND AMENDED  
APPLICATION FOR A  
SPECIAL PROCESS  
SERVER**

BEFORE ME, the undersigned authority, personally came and appeared Owen F. Duffy who, after being duly sworn, did depose and state:

1. I am a member of the Bar of the State of New York, and admitted to practice before this Court, and am a partner of the firm of Chalos, O'Connor & Duffy, LLP, attorneys for the Plaintiff in this action.

2. I am fully familiar with the matters set forth in this affidavit, which is submitted in support of Plaintiff's application pursuant to Rule 4(c) of the Federal Rules of Civil Procedure for an Order appointing any associate or paralegal or agent of Chalos, O'Connor & Duffy LLP, in addition to the United States Marshal, to serve a Process of Maritime Attachment and Garnishment on the garnishees listed therein, together with possible other garnishees.

3. The associates or paralegals or agents with the firm of Chalos, O'Connor & Duffy LLP, who will be so designated, are over eighteen (18) years of age, and are not a party to this action.

4. Plaintiff is desirous of serving the Process of Maritime Attachment and Garnishment on the garnishees with all deliberate speed so that it will be fully protected against the possibility of not being able to satisfy any arbitration award and/or judgment that may ultimately be obtained by Plaintiff against the Defendants, FAIRWIND SHIPPING COMPANY LIMITED, FAIRWIND NAVIGATION COMPANY, FAIRWIND (HOLDINGS) LIMITED, and/or FAIRWIND INTERNATIONAL CO., LIMITED

5. For the foregoing reasons, I respectfully request that this Court appoint said associates, paralegals or agents of Chalos, O'Connor & Duffy LLP to serve the Process of Maritime Attachment and Garnishment upon the Garnishees listed in the in Process, and any other garnishee(s) who we learn hold assets of the Defendant.

6. A previous application for this relief was made on May 15, 2007 with the filing of the Verified Complaint in connection with the service of the original Process of Maritime Attachment issued in this action, and another application for this relief was made on May 22, 2007 with the filing of the First Amended Verified Complaint in connection with the service of the second Process of Maritime Attachment issued in this action.

Dated: Port Washington, New York  
August 6, 2007


CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff

By:



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Subscribed and sworn to before me this  
August 6, 2007

  
Notary Public, State of New York

**GEORGE E. MURRAY**  
Notary Public, State of New York  
No. 02MU6108120  
Qualified in New York County  
Commission Expires April 12, 2008